IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1636 of 2005.
IN
FIRST APPEAL NO.653 OF 2005.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Pramod J.Pawar for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 14th MARCH, 2006.

P.C.:

1. Notice was issued to the Respondents on 4th May 2005. Office noting shows that the notice is duly served. The First Appeal is admitted for final hearing. The impugned decree is a money decree. Therefore, stay cannot be granted unless the entire amount due and payable under the impugned decree is deposited in the trial Court.

2. Hence Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (b) subject to condition that the Applicant will deposit in the Trial Court the entire amount due and payable under the

impugned Judgment and Decree within a period of 12 weeks from today. If the amount is not deposited, the stay granted will stand vacated without reference to this Court.

ii) If the amount is deposited, the Respondents will be at liberty to apply to this Court for withdrawal of the amount. If such an application is made, the Applicant will be entitled to oppose the same on all permissible grounds.

iii) If the Application for withdrawal is not made by the Respondents within a period of four weeks from the date of deposit of the amount by the Applicant, the trial Court will invest the said amount in fixed deposit in any nationalised bank initially for a period of three years and thereafter the fixed deposit will be renewed from year to year till disposal of the Appeal.

iv) There will be no order as to costs.

Judge.